

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ELIZABETH HUERTA,
Petitioner,

VS.

GINNY VAN BUREN, Warden,
FMC-Carswell,
Respondent.

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CIVIL ACTION NO.4:07-CV-415-Y

ORDER ADOPTING
MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Elizabeth Huerta under 28 U.S.C. § 2241, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on July 19, 2007; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 8, 2007.

The Court, after de novo review, concludes that Huerta's objections must be overruled, and that the petition for writ of habeas corpus under 28 U.S.C. § 2241 should be dismissed with prejudice, for the reasons stated in the magistrate judge's findings and conclusions.¹

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

¹The Court notes that although petitioner Huerta listed the undersigned as a respondent in this action, by the July 19, 2007, Order Permitting Proceeding in the District Court, the magistrate judge, noting that the only proper respondent in an action under 28 U.S.C. § 2241 is the inmate's custodian, directed that the other respondents be terminated from this suit. Thus, the Court is not required to consider whether to recuse under 28 U.S.C. § 455(a).

Elizabeth Huerta's petition for writ of habeas corpus under 28
U.S.C. § 2241 is DISMISSED WITH PREJUDICE.

SIGNED August 9, 2007.

A handwritten signature in black ink, reading "Terry R. Means", is written over a horizontal line.

TERRY R. MEANS

UNITED STATES DISTRICT JUDGE